

ADMINISTRATIVE PANEL DECISION

Urban Armor Gear, LLC v. Rahul kumar, BEZOS RETAIL
Case No. D2024-3477

1. The Parties

The Complainant is Urban Armor Gear, LLC, United States of America (“United States” or “US”), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is Rahul kumar, BEZOS RETAIL, India.

2. The Domain Name and Registrar

The disputed domain name <urbnarmrgear.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2024. On August 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which partly differed from the named Respondent (“Rahul” Trading as “Urbn Armr Gear,” “Urbn Armour Gear” and “Bezos Retail”) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 28, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 30, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2024. The Respondent did not submit a formal response but sent email communications to the Center on September 21, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on October 14, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant has been operating since the year 2012 as a producer of protective gear that is rugged, lightweight. It produces and sells electronics accessories including phone, tablet, headphone, laptop cases, mobile device chargers, smartwatch bands, power cables, and phone stands.

The Complainant is the owner of the following US trademarks:

- URBN ARMOR GEAR trademark (US Registrations Nos. 6,421,538 (registered on July 13, 2021) and 6,895,591 (registered on November 8, 2022));
- URBAN ARMOR GEAR trademark and trade name (U.S. Registrations Nos. 4,218,929 (registered on October 2, 2012) and 6,130,709 (registered on August 18, 2020)).

The Complainant is also the owner of the US Registration for UAG (combined) No. 6732165 registered on May 24).

The Complainant is the owner of trademarks registered in the United States, India, China, the European Union, Hong Kong, China, Japan, and the United Kingdom.

The Complainant operates at the domain name <urbanarmorgear.com>.

The disputed domain name was registered on June 2, 2024. The disputed domain name is currently not active because it was suspended.

Before the filing of the Complaint, it resolved to an online store that was selling various electronic products that overlap with and are highly like the goods offered by the Complainant, including earbuds, headphone cases and chargers, power banks, and smart watches. The website located at the disputed domain name also used the Complainant's trademarks throughout the site including an exact copy of the stylized trademark in its exact registered stylization (although a different colour scheme) in the top left corner (beneath which it states "URBN ARMOUR GEAR"). The business' name of the website according to its "About Us" page claims to be "URBN ARMOUR GEAR." Finally, the website's online store claims to be run by "Bezos Retail".

The Panel also notes that according to the Complaint, the Respondent also filed trademark applications in India for the marks "Urbn Armr Gear" (India Application Ser. No. 5690861) and "Uag Urbn Armour Gear" (India Application Ser. No. 6490151). The Panel checked online and was able to verify that those applications have oppositions and are not granted at the time of rendering the Decision.¹

¹Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) section 4.8.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain name is identical or confusingly similar to the trademark registrations of the Complainant.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not substantively reply to the Complainant's contentions. On September 21, 2024, an email was sent from the Respondent account stating, "why my domain name transfer" and a second email was sent on the same date stating: "I am the owner of my domain why my domain name suspended".

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's lack of a formal response does not by itself mean that the Complainant is deemed to have prevailed. See [WIPO Overview 3.0](#), section 4.3.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark URBN ARMOR GEAR for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

As stated above, the disputed domain name resolved to an online shop displaying the Complainant’s stylized trademark and purportedly offering for sale the goods bearing the Complainant’s trademark. The website does not appear to prominently and accurately display any disclaimer regarding the relationship between the Complainant and the Respondent. The Panel notes that the Respondent has filed trademark applications for “Urbn Armr Gear” which is identical to the Complainant’s trademark, and “Uag Urbn Armour Gear” which appears to have been inspired by the Complainant’s trademarks. In the absence of the Respondent’s explanation of its choice of selecting these particular terms and considering the overall circumstances of this case, it is more likely than not that the Respondent has tried to ride on the reputation of the Complainant’s trademarks. The Panel finds that the nature of the disputed domain name together with the use to which the disputed domain name has been put may mislead Internet users into thinking that the website is somehow connected to or sponsored by the Complainant.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that:

- The disputed domain name was registered on June 2, 2024, several years after the Complainant registered and used the mark in several jurisdictions around the world;
- The disputed domain name is identical to the Complainant trademark URBN ARMOR GEAR;
- The disputed domain name resolved to a commercial website purportedly offering the Complainant’s products where the Complainant’s figurative trademark is prominently displayed with no disclaimer of any kind;
- the Respondent’s failed to properly revert on any of the Complainant’s cease and desist letters and to the Complainant.

Considering these facts, and the Panel’s discussion under the second element, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source,

sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <urbnarmrgear.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: October 24, 2024.